

**PHARMACY EXAMINING BOARD
MEETING MINUTES
JULY 17, 2013**

PRESENT: Charlotte Rasmussen, Thaddeus Schumacher, Jeanne Severson, Jason Walker-Crawford, Rocky LaDien, Greg Weber, and Kristi Sullivan

STAFF: Dan Williams, Executive Director; Joshua Archiquette, Bureau Assistant; Nick Tank, Bureau Assistant and other Department Staff

CALL TO ORDER

Thaddeus Schumacher, Chair; called the meeting to order at 9:03 a.m. A quorum of seven (7) members was present.

ADOPTION OF AGENDA

MOTION: Jason Walker-Crawford moved, seconded by Jeanne Severson, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF MAY 22, 2013

MOTION: Rocky LaDien moved, seconded by Jason Walker-Crawford, to approve the minutes of May 22 2013 as published. Motion carried unanimously.

ADMINISTRATIVE UPDATES

MOTION: Charlotte Rasmussen moved, seconded by Rocky LaDien, to adopt the Roles and Authorities Delegated to the Monitoring Liaison document. Motion carried unanimously.

MOTION: Jason Walker-Crawford moved, seconded by Greg Weber, to approve the roles and delegated authority to the department monitor and monitoring liaison as identified in the Roles and Authorities Delegated to the Monitoring Liaison document. Motion carried unanimously.

PRESCRIPTION DRUG MONITORING PROGRAM UPDATE

MOTION: Jason Walker-Crawford moved, seconded by Kristi Sullivan, to approve the text of the rule change for Phar 18, relating to 2013 Act 3, authorize submission to Clearinghouse, and publish notice of a public hearing. Motion carried unanimously.

MOTION: Rocky LaDien moved, seconded by Charlotte Rasmussen, that Board Legal Council and Jason Walker-Crawford speak about the letter from Jeff Langer from today's agenda to create a response and provide a reply before the next Board meeting. Motion carried unanimously.

LEGISLATION/ADMINISTRATIVE RULE MATTERS

MOTION: Jason Walker-Crawford moved, seconded by Rocky LaDien, to delegate the Board Chair to draft a letter of support for LRB 2399 and to send such letter to the appropriate committee chair of the legislature once introduced as a bill and assigned. Motion carried unanimously.

VARIANCE REPORTS

Delivery

MOTION: Jason Walker-Crawford moved, seconded by Charlotte Rasmussen, to accept the delivery variance report of Dean Clinic – Fish Hatchery, Embrace Pharmacy, Meriter Outpatient Pharmacy, and Genoa Healthcare – Madison. Motion carried unanimously.

Wheaton Franciscan Pharmacy – Delivery

MOTION: Jason Walker-Crawford moved, seconded by Kristi Sullivan, to reject the Delivery variance report of Wheaton Franciscan Pharmacy. The Board requests that Wheaton Franciscan Pharmacy resubmit a validated or corrected report to confirm the total number of prescriptions dispensed, the number of in-person and phone consultations, the number of prescriptions not picked up and returned. Motion carried unanimously.

Technician-to-Pharmacist Ratio

MOTION: Jason Walker-Crawford moved, seconded by Jeanne Severson, to accept the Technician-to-Pharmacist variance report of Pinnacle Pharmacy. Motion carried unanimously.

Tech-Check-Tech

MOTION: Jeanne Severson moved, seconded by Kristi Sullivan, to accept the Tech-Check-Tech variance report of Gundersen Lutheran. Motion carried unanimously.

VARIANCE REQUESTS

Universal Compounders LLC

MOTION: Jason Walker-Crawford moved, seconded by Rocky LaDien, to reject the variance request of Universal Compounders LLC. The Board does not have the statutory authority to grant a variance request in regard to Wis. Stat. 450.09 (2). Motion carried unanimously.

Sun Prairie Hometown Pharmacy

MOTION: Greg Weber moved, seconded by Charlotte Rasmussen, to approve the delivery variance request as amended of Sun Prairie Hometown Pharmacy 9192-42 standard reporting and the amended policy and procedure and the current listing Hometown Pharmacy delivery locations be submitted to the Vice Chair for final approval. Motion carried unanimously.

Thaddeus Schumacher recused himself from discussion and voting on the above motion. Rocky LaDien, Vice Chair acted as Board Chair in his absence

BOARD INFORMATIONAL ITEMS

MOTION: Jason Walker-Crawford moved, seconded by Charlotte Rasmussen, to have the DLSC liaison work with DLSC to review and propose updates to pharmacy, distributor, and manufacture inspection forms and corresponding self inspection forms. Motion carried unanimously.

MOTION: Jason Walker-Crawford moved, seconded by Greg Weber, to table discussion on position statements 9 and 13 until the next Board meeting. Motion carried unanimously.

MOTION: Jeanne Severson moved, seconded by Greg Weber, to remove Position Statement, 20 and 21. Motion carried unanimously.

MOTION: Jason Walker-Crawford moved, seconded by Kristi Sullivan, to approve the amended Position Statements 17, 18 and 19 for placement on the DSPS website. Motion carried unanimously.

COMPOUNDING MATTERS

MOTION: Charlotte Rasmussen moved, seconded by Greg Weber, to approve DSPS staff to compile concerns submitted by Board members prior to July 31, 2013 and to submit on the Board's behalf to the Governor's Office in regard to the United States Senate's drafted legislation on pharmaceutical compounding. Motion carried unanimously.

MOTION: Jason Walker-Crawford moved, seconded by Rocky LaDien requests DSPS to inquire from Iowa Board of Pharmacy and or NABP to provide a summary of compounding pharmacy inspections conducted in Wisconsin to be available before the September Board meeting. Motion carried unanimously.

NABP INQUIRY REGARDING MPJE TEST

MOTION: Jason Walker-Crawford moved, seconded by Jeanne Severson, to delegate authority to Rocky LaDien as the MPJE question reviewer for the 2013 MPJE Item Pool Review and to further assign review tasks to other Board members. Motion carried unanimously.

PUBLIC COMMENTS

MOTION: Rocky LaDien moved, seconded by Jeanne Severson, the Board acknowledges the appearance of Nicole Dengel, RPh; Philip Trapskin, RPH ; and Angela Studnicka RPh regarding their comments on PDMP and compounding issues. Motion carried unanimously.

CLOSED SESSION

MOTION: Kristi Sullivan moved, seconded by Jason Walker-Crawford, to convene to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests, requests for licensure, deliberate on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and Division of Legal Services and Compliance case status reports. Thaddeus Schumacher read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Charlotte Rasmussen – yes; Kristi Sullivan – yes; Thaddeus Schumacher – yes; Jeanne Severson – yes; and Jason Walker–Crawford – yes; Rocky LaDien – yes; and Greg Weber – yes. Motion carried unanimously.

The Board convened into Closed Session at 2:14 p.m.

DELIBERATION OF PROPOSED FINAL DECISIONS AND ORDERS

Karie L. Tully, R.Ph.

MOTION: Jason Walker-Crawford moved, seconded by Rocky LaDien, to adopt the Findings of Fact, Conclusions of Law, Proposed Decision and Order in the matter of disciplinary proceedings against Karie L. Tully, R.Ph. Respondent – DLSC Case # 12 PHM 078. Motion carried unanimously.

Mark D. Morgensen, R.Ph.

MOTION: Rocky LaDien moved, seconded by Charlotte Rasmussen, to adopt the Findings of Fact, Conclusions of Law, Proposed Decision and Order in the matter of disciplinary proceedings against Mark D. Morgensen, R.Ph. Respondent – DLSC Case # 12 PHM 084. Motion carried unanimously.

MOTION: Rocky LaDien moved, seconded by Charlotte Rasmussen, to notify the Michigan Board of Pharmacy of this Board's decision regarding Case # 12 PHM 084. Motion carried unanimously.

Jay M. Bubrick, R.Ph

MOTION: Jeanne Severson moved, seconded by Charlotte Rasmussen, to adopt the Findings of Fact, Conclusions of Law, Proposed Decision and Order in the matter of disciplinary proceedings against Jay M. Bubrick, R.Ph. Respondent – DLSC Case # 13 PHM 004. Motion carried unanimously.

Kuldeep Grewal, R.Ph.

MOTION: Jason Walker-Crawford moved, seconded by Rocky LaDien, to adopt the Findings of Fact, Conclusions of Law, Proposed Decision and Order in the matter of disciplinary proceedings against Kuldeep Grewal R.Ph. Respondent – DLSC Case # 13 PHM 006. Motion carried unanimously.

DIVISION OF LEGAL SERVICES AND COMPLIANCE

Case Closings

MOTION: Jeanne Severson moved, seconded by Jason Walker-Crawford, to close case # 12 PHM 083 (D.F.S., B.S., D.F., L.C.) for P3. Motion carried unanimously.

MOTION: Rocky LaDien moved, seconded by Jason Walker-Crawford, to close case # 13 PHM 016 (M.I.) for P7. Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Rocky LaDien moved, seconded by Kristi Sullivan, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 2:51 p.m.

ADJOURNMENT

MOTION: Jason Walker-Crawford moved, seconded by Charlotte Rasmussen, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:08 p.m.